

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP13-068

Submitted: August 29, 2013

PROJECT DESCRIPTION:

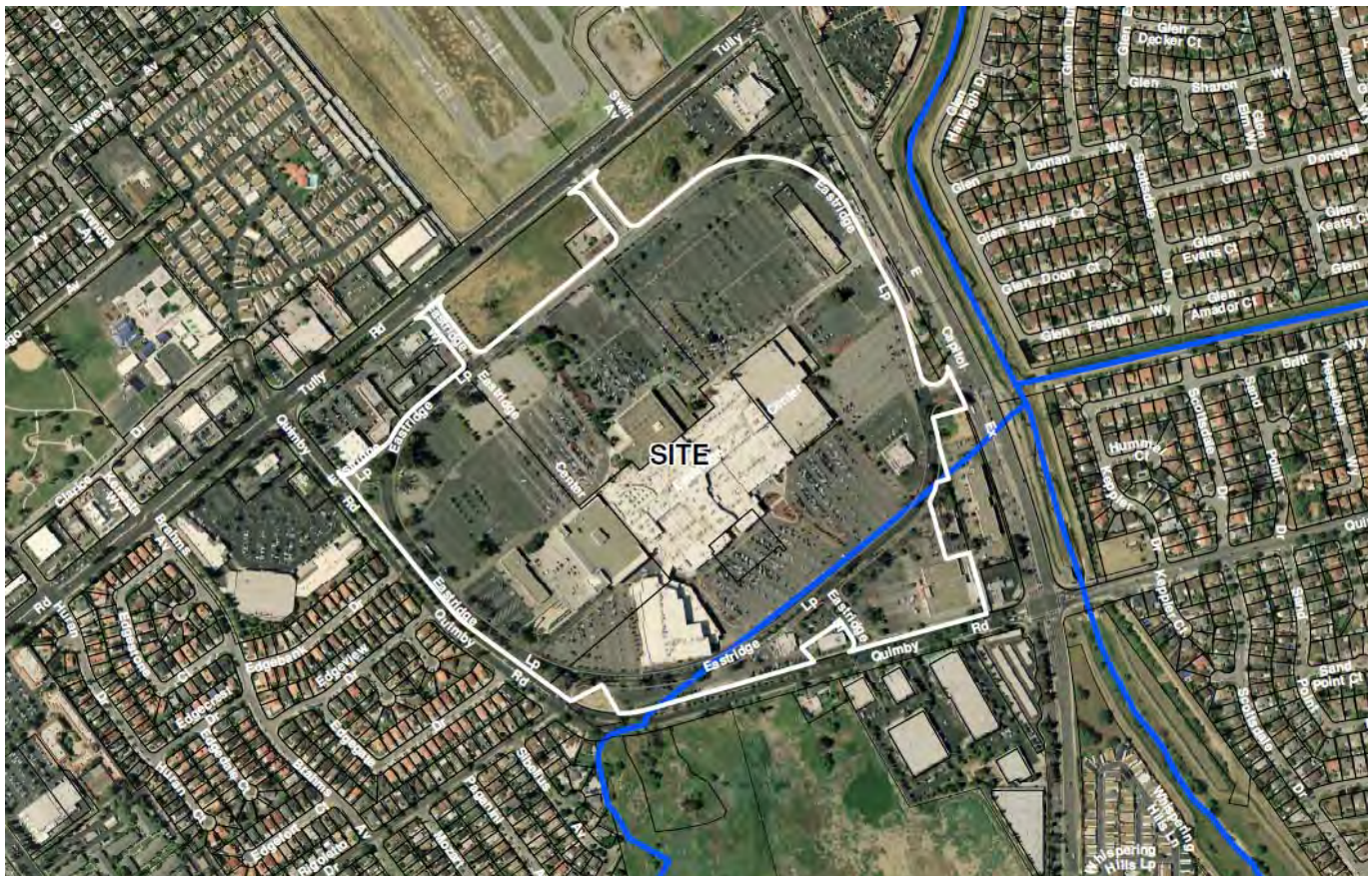
Conditional Use Permit to allow late night use (to 2:00 a.m.) and a drinking establishment at a proposed approximately 50,373 square foot commercial indoor recreation facility, amusement arcade, and public eating establishment within an existing shopping mall (Eastridge) on a 64.97 gross acre site

| | |
|-------------------|------------------------------------|
| Zoning | CG Commercial General |
| General Plan | Regional Commercial |
| Council District | 8 |
| Annexation Date | September 1, 1972 (Amos No. 23) |
| Historic Resource | No |
| Specific Plan | No |

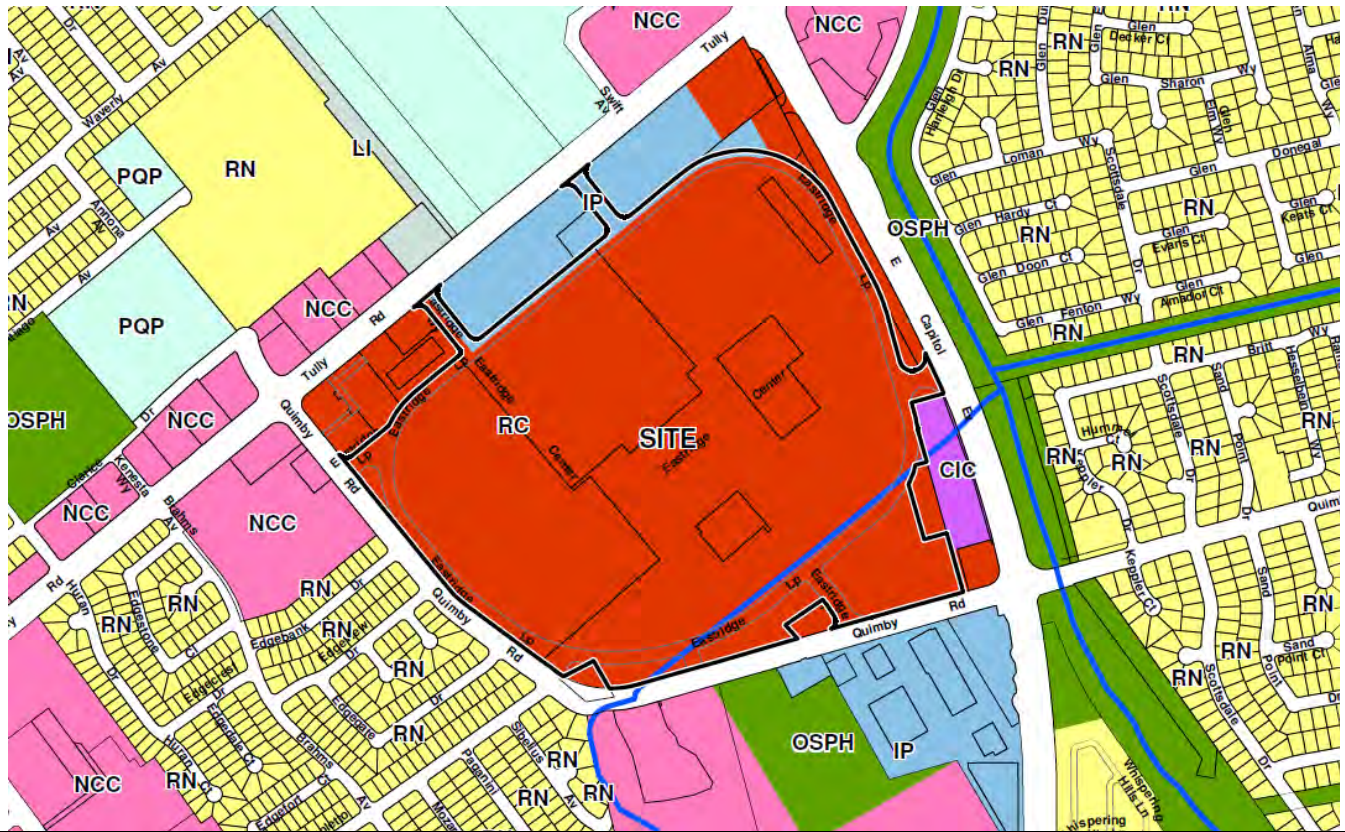
LOCATION:

420 feet northwest of the intersection of Eastridge Loop and Eastridge Boulevard (2200 Eastridge Loop)

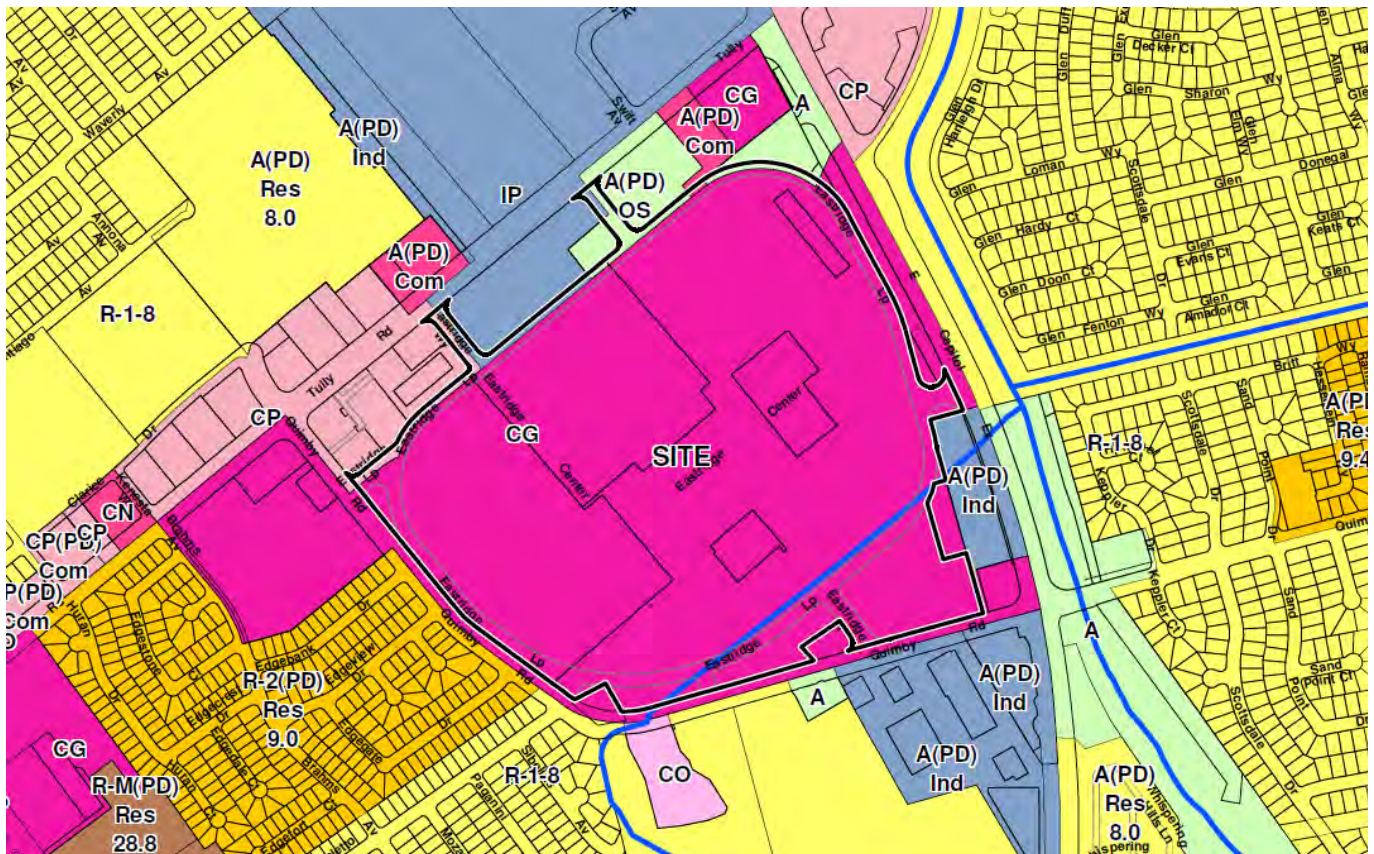
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission approve the proposed Conditional Use Permit on the subject site for the following reasons:

1. The subject Conditional Use Permit is consistent with the San Jose 2040 General Plan designation of Regional Commercial, which supports a very wide range of commercial uses.
2. The proposed project complies with all applicable provisions of the CG Commercial General Zoning District.
3. The proposed project is consistent with City Council Policy 6-27: Evaluation of 24 Hour Uses.
4. The project conforms to City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars.
5. The proposed project conforms to the requirements of CEQA.

BACKGROUND & DESCRIPTION

On August 29, 2013, Deborah Ungo-McCormick with Berliner-Cohen on behalf of the applicant, General Growth Properties, applied for a Conditional Use Permit on the subject site to allow late night use (to 2:00 a.m.) and a drinking establishment at a proposed approximately 50,373 square foot commercial indoor recreation facility, amusement arcade, and public eating establishment (Round One). Conditional Use Permits are required for all commercial uses operating between the hours of 12:00 midnight and 6:00 a.m., public drinking establishments where alcohol is sold, offered for sale, or served to patrons independent of any other activity (including food service), and amusement game arcades where ten or more amusement game devices are available.

Site and Surrounding Uses

Eastridge Shopping Center is 67.97 gross acres in size and is located on the southeast corner of Tully and Quimby Roads. The project site is roughly oval in shape and surrounded to the north, south, and west by parking and a mixture of retail uses associated with the shopping mall. The closest residential development to the project site is to the east across Capitol Expressway.

Project Description

No changes are proposed to the overall shopping center or to the parking lot. Round One proposes to convert 50,373 square feet of existing square footage for indoor recreation use. Round One will be accessed from the first floor of the existing mall, with a majority of the occupancy (49,012 square feet) on the second floor. The facility will include a ten lane bowling alley, game room with arcade games, six karaoke rooms, a snack bar, and a bar serving alcohol.

Round One proposes to operate until 2:00 a.m. daily, with alcohol sales ceasing at 12:00 midnight. No alcohol is permitted in the karaoke rooms. Minors are not allowed to enter the facility after 10:00 p.m. and no one under the age of 20 years old is permitted entry after 12:00 midnight, except with a legal guardian.

ANALYSIS

The key issues analyzed for the proposed Conditional Use Permit include the project's conformance with the following: 1) Envision San José 2040 General Plan; 2) Zoning Ordinance; 3) City Council Policy 6-27: Evaluation of 24-Hour Uses; 4) City Council Policy 6-23, Guidelines for the Evaluation of Nightclubs and Bars and; 5) California Environmental Quality Act (CEQA)

San Jose 2040 General Plan Conformance

The site is designated Regional Commercial on the Envision San Jose 2040 General Plan Land Use/Transportation Diagram. The Regional Commercial designation supports a very wide range of commercial uses and is primarily applied to existing regional shopping centers.

In addition to its conformance with the General Plan's Land Use/Transportation Diagram, the proposed project is also consistent with the following Envision San Jose 2040 General Plan Policies:

1. *Land Use Policy – 5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.*

The proposed commercial indoor recreation facility, amusement arcade, and public eating establishment will provide a new commercial use in an existing commercial area that is accessible to pedestrians and public transit users. The proposed use will occupy existing vacant tenant spaces, therefore revitalizing the existing shopping center.

2. *Innovative Economy Policy – 5.4: Support entertainment offerings and cultural facilities, including but not limited to parks, visual and performing arts, museums, libraries, theatres, historic structures/sites/neighborhoods, festivals, and commercial entertainment venues, particularly those that provide significant social and economic benefit to San José's community, provide opportunities for community participation, achieve excellence and innovation, and/or reflect the City's population.*

The proposed project will offer a new commercial entertainment use to the area, providing social and economic benefit to the community.

Zoning Ordinance

Eastridge Shopping Center currently provides 7,400 parking spaces. The zoning ordinance requires neighborhood shopping centers (shopping centers with 100,000 square feet or greater) to provide one parking stall per 225 square feet of net floor area. Applying this calculation to the entire Eastridge Shopping Center site, which totals 1,637,225 square feet, a minimum of 6,186 parking spaces must be provided to be in conformance to the Zoning Ordinance. The proposal will not add any additional square footage to the shopping center; therefore, the parking currently provided on site will be adequate.

City Council Policy 6-27: Evaluation of 24-Hour Uses

City Council Policy 6-27: Evaluation of 24 Hour Uses establishes guidelines to assure compatibility of late night and early morning uses with surrounding land uses. The policy recommends that 24-hour uses not be located within 300 feet from any property residentially zoned, planned, or used. The closest residential property is located approximately 1,500 feet to the east, across Eastridge Loop and East Capitol Expressway, and Lower Silver Creek.

In addition, proposals for after midnight use are to be reviewed by the Chief of Police. The Police Department has indicated that they are neutral to the proposal with several conditions: alcohol service

cease by 12:00 midnight, the applicant maintain state licensed security, and the applicant obtain and maintain all applicable required permits per the San Jose Municipal Code. In accordance with the policy, the applicant has prepared a Mitigation Management Plan that addresses litter control, lighting, graffiti, and police matters.

In regard to nightclubs and bars, the Policy states that uses under this category should conform to the City Council Policy on the Guidelines for Evaluation of Nightclubs and Bars, and that if they do, then they are in conformance with Council Policy 6-27. See the discussion below on conformance with Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars.

City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars

The City Council Policy, Guidelines for Evaluation of Nightclubs and Bars, is intended to facilitate the evaluation process for individual permit applications by identifying the needed project characteristics that are necessary for approval. The applicable project characteristics required by the policy are inserted in italics below. The land use consideration for this permit is the drinking establishment use.

1. *New nightclubs and bars should be discouraged from locating adjacent to or near any existing residential uses or any areas planned for residential uses in the adopted General Plan...New nightclubs and bars adjacent to hotel uses should minimize the potential negative impacts on the guests of those facilities.*

As noted above, the closest residential property is located approximately 1,500 feet to the east, across Eastridge Loop and East Capitol Expressway and separated by several large parking lots and other commercial buildings. The project site is not adjacent to any hotel uses.

2. *New nightclubs and bars that are not open during daytime hours should not occupy more than 30 percent of the street frontage on any one side of the street. Basement and upper story nightclubs are exempt from this provision if that the entrance to those facilities is clearly the sole use at the ground level along the street frontage.*

The proposed use would open at 10:00 a.m. The use would have very little frontage, as it would be accessed from an existing shopping center entrance on the first floor and occupy a portion of the second floor of the existing mall.

3. *It is the responsibility of the Chief of Police to evaluate all bar and nightclub proposals to ensure the safety and security of both patrons and citizens. Conditions may be imposed to monitor bars and nightclubs and to discourage nuisance activities. These conditions may include such requirements as interior or exterior security guards, additional lighting, limited occupancy, and modifications or controls or procedures to increase effective law enforcement.*

New nightclubs and bars are discouraged from locating in areas where there has been above-average police calls for service.

According to the memorandum provided by the Police Department (attached), the subject site is located in an area of over-concentration above the 20 percent crime index and in an area where the ratio of on-sale and off-sale retail licenses in the census tract exceeds that of the County as a whole. Given the proposed operations, the Police Department is neutral to the proposal with several conditions, which the applicant is willing to adhere to and are included as conditions in the draft Resolution. These conditions include alcohol service ceasing by 12:00 midnight, presence of licensed security to effectively control crime, gang, drug, and other police issues, and the obtainment and maintenance of all applicable required permit per the City of San Jose Municipal Code. The applicant will be responsible for obtaining and maintaining an Entertainment Permit with the Police Department for the proposed karaoke use.

The applicant has prepared a Security Plan (attached), which outlines the business' security operations and procedures. The plan includes interior and exterior security cameras (including within the karaoke rooms), wristbands for customers who have been verified as being of the legal drinking age, a minimum of two uniformed security officers after 9:00 p.m. on weekdays and a minimum of two uniformed security officers after 7:00 p.m. on weekends, no alcohol service in the karaoke rooms, and no live/adult entertainment.

4. *Nightclub and bar operators should provide daily cleaning of the public right-of-way up to 200 feet from the property lines of the site of the facility. This cleaning should occur before 8:00 a.m. each day.*

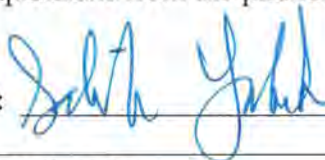
The draft Resolution contains a condition that requires the operator of the proposed use to clean the public right-of-way immediately adjacent to the subject site before opening daily. Based on the Mitigation Management Plan provided by the applicant, Eastridge Shopping Center has a contracted service provider 24 hours per day that is responsible for cleaning the interior of the mall and the exterior of the mall from the building to the curb. In addition, a parking lot sweeping service contractor operates daily to remove litter from the parking lot.

California Environmental Quality Act (CEQA)

Under the provisions of Section 15301 Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, in that the proposed day care use involves no expansion of the existing square footage.

PUBLIC OUTREACH/INTEREST

A sign was posted on-site to notify the public of the proposed development, and a notice of this Planning Commission public hearing was mailed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City's website. This Staff Report is also posted on the City's website, and staff has been available to respond to questions from the public.

Project Manager: Rebecca Bustos **Approved by:** 

Date: 12/3/13

| | |
|--|--|
| Owner/Applicant: | Attachments: |
| Owner: Eastridge Shopping Center, LLC P.O. Box 617905 Chicago, IL. 90661-7905 | Draft Permit Resolution Police Department Memorandum Security Plan Mitigation Management Plan Reduced Plan Set |
| Applicant: GGPLP Real Estate Inc. 2200 Eastridge Loop, Suite 2062 San Jose, CA. 95122 | |
| Contact: Deborah Ungo-McCormick Berliner Cohen 10 Almaden Boulevard San Jose, CA. 95113 | |

RESOLUTION NO.

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use to allow late night use (to 2:00 a.m.) and a drinking establishment at a proposed approximately 50,373 square foot commercial indoor recreation facility, amusement arcade, and public eating establishment within an existing shopping mall (Eastridge) on a 64.97 gross acre site in the CG Commercial General Zoning District.

FILE NO. CP13-068

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San Jose Municipal Code, on August 29, 2013, an application (File No. CP13-068) was filed for a Conditional Use Permit for the purpose of allowing late night use (to 2:00 a.m.) and a drinking establishment at a proposed approximately 50,373 square foot commercial indoor recreation facility, amusement arcade, and public eating establishment within an existing shopping mall (Eastridge) on a 64.97 gross acre site, on that certain real property (hereinafter referred to as "subject property"), situate in the CG Commercial General Zoning District, located 420 feet northwest of the intersection of Eastridge Loop and Eastridge Boulevard (2200 Eastridge Loop); and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San Jose Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Conditional Use Permit CP13-068 For Eastridge Mall Round One San Jose, California" last revised October 31, 2013. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San Jose Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE AS FOLLOWS:

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The subject site has a designation of Regional Commercial on the adopted Envision San José 2040 General Plan Land Use/Transportation Diagram.
2. The subject site is zoned CG Commercial General.
3. A Conditional Use Permit is required for a drinking establishment, amusement arcades, and for late night use in the CG Commercial General Zoning District. A public eating establishment is a permitted use in the CG Commercial General Zoning District.
4. The applicant, Round One, is requesting a Conditional Use Permit (CUP) to allow a public eating and drinking establishment and amusement arcade with late-night use until 2:00 a.m. daily. Food service is proposed during all operating hours.
5. The Zoning Ordinance requires neighborhood shopping centers (shopping centers with 100,000 square feet or greater) to provide one parking stall per 225 net square feet of floor area.
6. Based on 1,637,225 square feet of floor area, 6,186 parking spaces are required.
7. Eastridge Shopping Center provides 7,400 parking spaces.
8. The subject 64.97 gross acre site is located approximately 420 feet northwest of the intersection of Eastridge Loop and Eastridge Boulevard (2200 Eastridge Loop).
9. The entrance to the site is located on the ground floor of the mall, while the use is primarily on the second floor of the mall.
10. The project site is surrounded by a mixture of commercial, entertainment, and restaurant uses.
11. No exterior changes are proposed to the existing structure.
12. The proposed project site is not located adjacent to or near any existing or planned residential uses, and is not adjacent to hotel uses.
13. The primary policies applicable for the review and analysis of this project are City Council Policy 6-27: Evaluation of 24-Hour Uses and City Council Policy 6-23: Guidelines for the Evaluation of Nightclubs and Bars.
14. The proposed public eating and drinking establishment is not considered a nightclub.
15. Council Policy 6-23 specifies that the Chief of Police should evaluate all bar and nightclub proposals and recommend conditions necessary to ensure the safety of patrons and citizens.
16. The Police Department is neutral to the issuance of the Conditional Use Permit with specific conditions.
17. Alcohol service will cease at 12:00 midnight.

18. Alcohol service will be required to comply at all times with the license issued by the California Department of Alcohol and Beverage Control.
19. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found by the Director of Planning to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

Based on an analysis of the above facts and findings, the Planning Commission concludes and finds that:

1. The proposed project conforms to the City's General Plan.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed project conforms to Council Policy 6-27 Evaluation of 24-Hour Uses and Council Policy 6-23 Guidelines for Evaluation of Nightclubs and Bars.

Finally, the Planning Commission concludes and finds based on an analysis of the above facts and findings that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features in this title, or as otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Building Permit/Certificate of Occupancy.** No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
3. **Conformance with Plans.** Construction and development shall conform to the approved development plans entitled, "Conditional Use Permit CP13-068 For Eastridge Mall Round One San Jose, California" dated October 31, 2013, on file with the Department of Planning, Building and Code Enforcement.
4. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
5. **Use Authorization.** This Conditional Use Permit authorizes the following uses to be implemented on the property subject to the terms of this Permit:
 - a. A public drinking establishment.
 - b. After hours operation until 2:00 a.m. daily.
 - c. An amusement arcade.
6. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
8. **Anti Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
 - a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage and shall include daily damp washing of all exterior walls and sidewalks along the project's frontage.
 - b. The permittee shall clean the public right-of-way within 200 feet of the subject site before daily.
 - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers shall not be used between 10:00 p.m. and 6:00 a.m. daily.
 - d. The permittee shall provide adequate ashtrays along the business frontage to accommodate patrons who wish to smoke outdoors. Patrons smoking outdoors shall not impede pedestrian traffic along the adjacent rights-of-way, nor create a nuisance for adjoining businesses.

9. **Hours of Operation.** The use may operate until 2:00 a.m. daily.
10. **Alcohol Service.** Alcohol service shall be limited to those hours and areas allowed and specified in the State Department of Alcoholic Beverages Control license for this site and use. Alcohol service shall cease at 12:00 a.m. nightly.
11. **Food Service.** Food service shall be provided during all operating hours.
12. **Entertainment Permit.** The permittee shall obtain and maintain a valid Entertainment Permit from the Police Department.
13. **Management Plan and Security Plan.** The facility shall operate in conformance with the management plan entitled *Mitigation Management Plan Eastridge Shopping Center CP13-068 (Round One)* and the security plan entitled *Security Plan for Eastridge Center Mall* on file with the Planning Division.
14. **Security Personnel.** The permittee shall retain state licensed security personnel.
15. **Lighting.** This Permit allows no new exterior lighting.
16. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning, Building and Code Enforcement.
17. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
18. **Changes to the Structure.** Any future exterior changes shall require approval by the Director of Planning, Building and Code Enforcement.
19. **Waste Discharge.** The proposed facility shall conform to the City of San José industrial waste discharge regulations. Any non-domestic wastewater discharge into the sanitary sewer system shall require Source Control Staff to review and approve the final plans. Contact City's Environmental Engineering Staff at (408) 945-3000 with any questions.
20. **Permittee Responsibility.** The permittee shall ensure that the use/s authorized by this Permit is/are implemented in conformance with all of the provisions of this Permit.
21. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions or restrictions of this Conditional Use Permit incorporated by reference in this Permit in accordance with the San José Municipal Code.
22. **Revocation, Suspension, or Modification.** This Conditional Use Permit may be revoked, suspended, or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof of who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

ADOPTED and issued this **11th day of December 2013**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NORMAN KLINE
Chairperson

ATTEST:

JOSEPH HORWEDEL
Director of Planning, Building & Code Enforcement
Planning Commission Secretary

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.



Memorandum

TO: Rebecca Bustos
Planning Department

FROM: Ofc. Mike Epp #3048
San Jose Police Vice Unit

SUBJECT: CP13-068
2200 Eastridge Loop

DATE: November 19, 2013

Approved

Date

I have received your request for input to allow late night use up to 2:00 a.m. of a 50,373 square foot indoor recreation facility (Round1 Bowling) and eating and drinking establishment at an existing shopping mall. The bowling alley is to be located at 2200 Eastridge Loop, San Jose, CA. Round1 is seeking a Conditional Use Permit.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(2). A location can be unduly concentrated because of its criminal statistics and/or its proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

The location is not currently in a Strong Neighborhood Initiative area.

The location of 2200 Eastridge Loop is located in San Jose Police Beat P1. The reported crime statistics as defined by B&P Section 23958.4(c) are over the 20% crime index thus the location is considered unduly concentrated per B&P Section 23958.4 (a)(1).

Police Beat Crime Statistics

| Beat | Index Crimes | Arrests | Total | 20% Above Average |
|--------------|--------------|---------|-------|-------------------|
| P1 (2012) | 683 | 70 | 753 | Yes |
| City Average | 380 | 152 | 532 | |
| | | | | |

Department of Alcohol Beverage Control (ABC) records indicate that 2200 Eastridge Loop is in census tract 5033.05. Pursuant to B&P Section 23958.4 (a)(2), the ratio of on-sale retail licenses population in census tract 5033.05 does exceed the ratio of on-sale retail licenses retail licenses to population in the county in which the applicant premises are located.

Authorized and Current ABC Licenses in Census Tract 5033.05

| Census Tract | Authorized ABC Licenses as of May 2012 | | Current ABC Licenses as of October 2013 | | Unduly Concentrated | |
|--------------|---|------------|--|------------|---------------------|------------|
| | On - Sale | Off - Sale | On - Sale | Off - Sale | On - Sale | Off - Sale |
| 5033.05 | 7 | 3 | 18 | 6 | Yes | Yes |

Currently, Patrol staffing for the entire district consists of 6 Swing Shift Officers who complete their shift at 12:30 a.m. and 6 Midnight Shift Officers. After-midnight use will place additional demand upon limited patrol resources.

Due to the location being unduly concentrated with ABC licenses and in a high crime rate area the San Jose Police Department requests the following conditions to minimize the additional burden on patrol resources:

- **Alcohol Service:** Alcohol service shall cease by 12:00 a.m. daily.
- **Security:** The applicant shall maintain state licensed security to effectively control crime, gang, drug and other police problems that may arise.
- **Additional Permits:** The operator shall obtain and maintain all applicable required permits per the San Jose Municipal Code.

If the above listed conditions are added the San Jose Police Department is **neutral** to the issuance of a Conditional Use Permit to allow a bowling alley with late night use up to 2 a.m.

Please feel free to contact me at 277-4322 if you have any questions.

Ofc. Mike Epp #3048
Administrative Officer
Special Investigations/Vice



1600 S. Azusa Ave Suite 285 City of Industry CA 91748 Phone: (626) 964-5356

Round One Entertainment Inc.

Date: November 27, 2013

To: The City of San Jose

Re: Security Plan for Eastridge Center Mall

Store location: 2094, Eastridge CA

Size: 51,221 SQFT

Operational Hours: 10am to 2am everyday

1) Physical Security Plan

- ✓ Security cameras will be installed to cover the majority of the store. The police department has the right to make the recommendation if any adjustment.
- ✓ Security cameras will run 24 hrs. /day, 7 days a week, and Media Storage is capable of storing a minimum of 2 weeks of data.
- ✓ The mall will be responsible for the exterior cameras for the main entrance and parking lot areas.
- ✓ No Minor (17 year-old and under) is allowed to enter after 10pm and no 20 year-old is allowed after Midnight (12:00am) except with legal guardian.

2) Operational Security Plan

- ✓ Alcohol Control
 - We will NOT sell alcohol beverages after 12:00 am
 - All employees, who will be serving alcohol, are REQUIRED to obtain "Licensee Education on Alcohol & Drugs" (L.E.A.D) or Tip Train
 - All the customers, who wish to purchase alcohol, are subject to show government issued ID's. The majority of IDs will be confirmed by ID Scanner to verify the age of the guest, as well as the validity of the ID.
 - Each customer, previously verified as legal drinking age will then be given a wrist band, which is to be worn at all times.



1600 S. Azusa Ave Suite 285 City of Industry CA 91748 Phone: (626) 964-5356

- It is violation of the company policy to drink and accept an alcohol during worked hours. (Stated in our employee handbook)

✓ Security Staffing Plan inside the store

- Manager or Supervisor on duty (over 21 years of age) will be present during all operating hours up to 3am.
- Uniformed Security will on site during all peak business hours daily up to 3am on the weekends.

Weekdays: Minimum 1 uniform security officers after 9 pm to 3 am

Weekends: Minimum 2 uniform security officers after 7pm to 3 am

✓ Party Room with Karaoke Service

- No alcoholic beverages will be served inside and allowed in the rooms.
- Each room will have a security camera. The interior of all rooms will be visible from the outside (large glass doors and windows).
- Each room will be properly illuminated during use.

✓ Others

- No Live/Adult Entertainment (except Party Rooms with Karaoke) and will apply for Live Entertainment permit for Karaoke after obtaining C.U.P.
- The store will be operated under strict House Rules

Also, we will establish and maintain a cooperative relationship with the City of San Jose, Police Department, and The shopping Mall.

Hideki Okada

A handwritten signature in black ink, appearing to read "Hideki Okada", written over a horizontal line.

Executive Vice President & CFO

Round One Entertainment Inc.

MITIGATION MANAGEMENT PLAN EASTRIDGE SHOPPING CENTER CP13-068 (Round One)

This Mitigation Management Plan has been prepared to outline provisions established to respond to neighborhood complaints, control litter, control noise, address graffiti, lighting and security issues. This plan is property specific to Eastridge Shopping Center.

Litter Control: Eastridge Shopping Center has a housekeeping service contractor that operates twenty-four hours a day, seven days a week and is responsible for the cleaning of the interior mall and exterior of the mall from the buildings to the curb. Eastridge Shopping Center has a parking lot sweeping service contractor that operates seven days a week and is responsible for removing litter from the parking lot. The sweeping of the parking lots is performed after 7 a.m. and completed prior to 10 a.m.

Lighting: The lighting in parking and use areas is uniform throughout and at foot candles not less than those approved by applicable governing authorities. Eastridge Shopping Center has a lighting service contractor that visits the property every month to replace lamp outages.

Graffiti: Eastridge Shopping Center has on site Security that operates twenty-four hours a day, seven days a week. As part of their exterior patrols, Security Officers monitor any graffiti activity and pass on a report to the Eastridge Shopping Center maintenance staff so that the graffiti activity can be addressed. The Eastridge Shopping Center maintenance staff is present seven days a week.

Police Matters: Eastridge Shopping Center has on site Security that operates twenty-four hours a day, seven days a week. Security performs vehicle, bike and foot patrols on the exterior of the property and foot patrol in the interior of the mall. In addition Security has a CCTV security camera system that is monitored twenty-four hours a day, seven days a week by a dispatch officer that also answers telephone calls. Representatives from Eastridge Shopping Center are in constant contact with the San Jose Police Department regarding security activity at the property. A meeting is scheduled at least once per quarter to meet with the Police Captain from the Foothill Division of the San Jose Police Department to discuss pertinent security activity at the property and receive updates from San Jose Police Department. Also Representatives from Eastridge Shopping Center are in contact with the San Jose Fire Department, Station #16 and have provided pertinent information about the facility.

Contact Information: In the event someone wishes to contact Eastridge Shopping Center representative to share concerns or comments they can call the Eastridge management office at 408-833-1001 or go to the mall website at www.eastridgecenter.com and go to contact us. Also Security is available to answer telephone calls twenty-four hours a day, seven days a week at 408-270-9170.

CONDITIONAL USE PERMIT CP13-068
FOR
EASTRIDGE MALL ROUND ONE
SAN JOSE, CALIFORNIA

EASTRIDGE SHOPPING CENTER L.L.C.
110 NORTH WACKER DRIVE
CHICAGO, IL. 60606

PROJECT DESCRIPTION:

CONDITIONAL USE PERMIT TO ALL LATE NIGHT USE UP TO 2:00 A.M.
OF A 50,373 SQUARE FOOT INDOOR RECREATION FACILITY AND EATING
AND DRINKING ESTABLISHMENT AT AN EXISTING SHOPPING MALL ON A
64.97 GROSS ACRE SITE.

TABLE OF CONTENTS

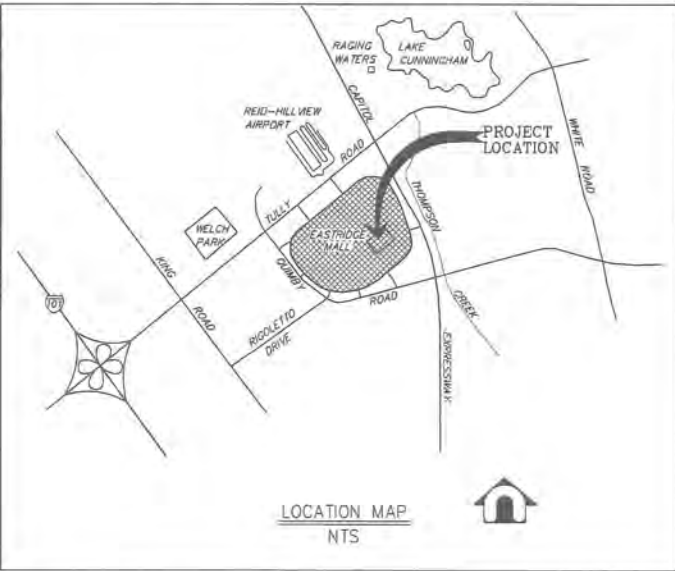
| DWG. No. | TITLE |
|----------|-------------------------------|
| CVR | TITLE SHEET |
| C1 | OVERALL SITE PLAN |
| A101 | LOWER LEVEL COMPOSITE PLAN |
| A201 | UPPER LEVEL COMPOSITE PLAN |
| A301 | EXTERIOR ELEVATION AND PHOTOS |

PROJECT DIRECTORY

| | |
|--------------------------------------|--|
| EASTRIDGE SHOPPING CENTER L.L.C. | 110 NORTH WACKER DRIVE CHICAGO, IL 60606 TEL: (312) 960-5000 |
| BRIO ENGINEERING ASSOCIATES, INC. | 1885 THE ALAMEDA, SUITE 210 SAN JOSE, CA 95126 TEL: (408) 241-5495 FAX: (408) 241-5493 |
| ELS ARCHITECTURE AND URBAN DESIGN | 2040 ADDISON STREET BERKELEY, CA 94704 TEL: (510) 549-2929 FAX: (510) 843-3304 |
| LANDARC ASSOCIATES, INC. | 97 SOUTH SECOND ST., SUITE 111 SAN JOSE, CA 95113 TEL: (408) 361-8085 |
| BERLINER COHEN | 10 ALMADEN BLVD., SUITE 1100 SAN JOSE, CA 95113 TEL: (408) 286-5800 FAX: (408) 998-5388 |

ASSESSOR'S PARCEL NUMBER (APN):

491-04-050

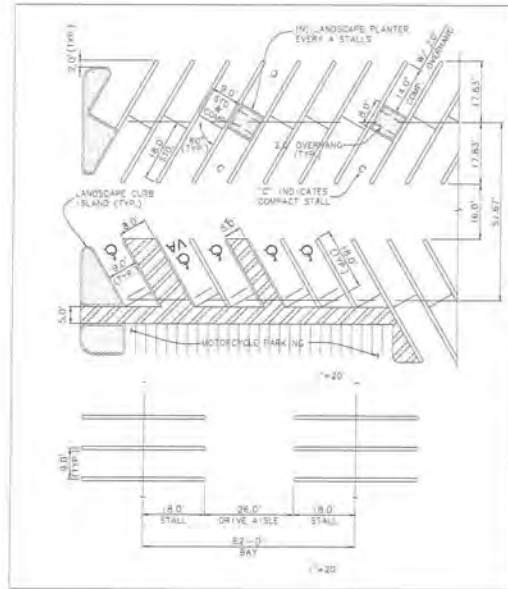


BRIO Engineering
ASSOCIATES, INC.
1885 The Alameda, Suite 210
San Jose, CA 95126-1747
Tel: (408) 241-5494
Fax: (408) 241-5493

TITLE SHEET

EASTRIDGE SHOPPING CENTER L.L.C.
EASTRIDGE MALL
SAN JOSE, CALIFORNIA

Date: 10/31/13
Checked: K.E.H.
Designer: D.M.V.
Drawn By: A.H.D.
Scale: NO SCALE
Job: EAST1304
Sheet
CVR
Of Sheet(s)



| SITE PARKING SUMMARY | | |
|--|-----------|-----------|
| | Existing | Proposed |
| Total Shopping Center GBA* (square feet) | 1,637,225 | 1,637,225 |
| Total Shopping Center Parking* | 7,400 | 7,400 |

*Per CPA02-047 & CPA02-047-01

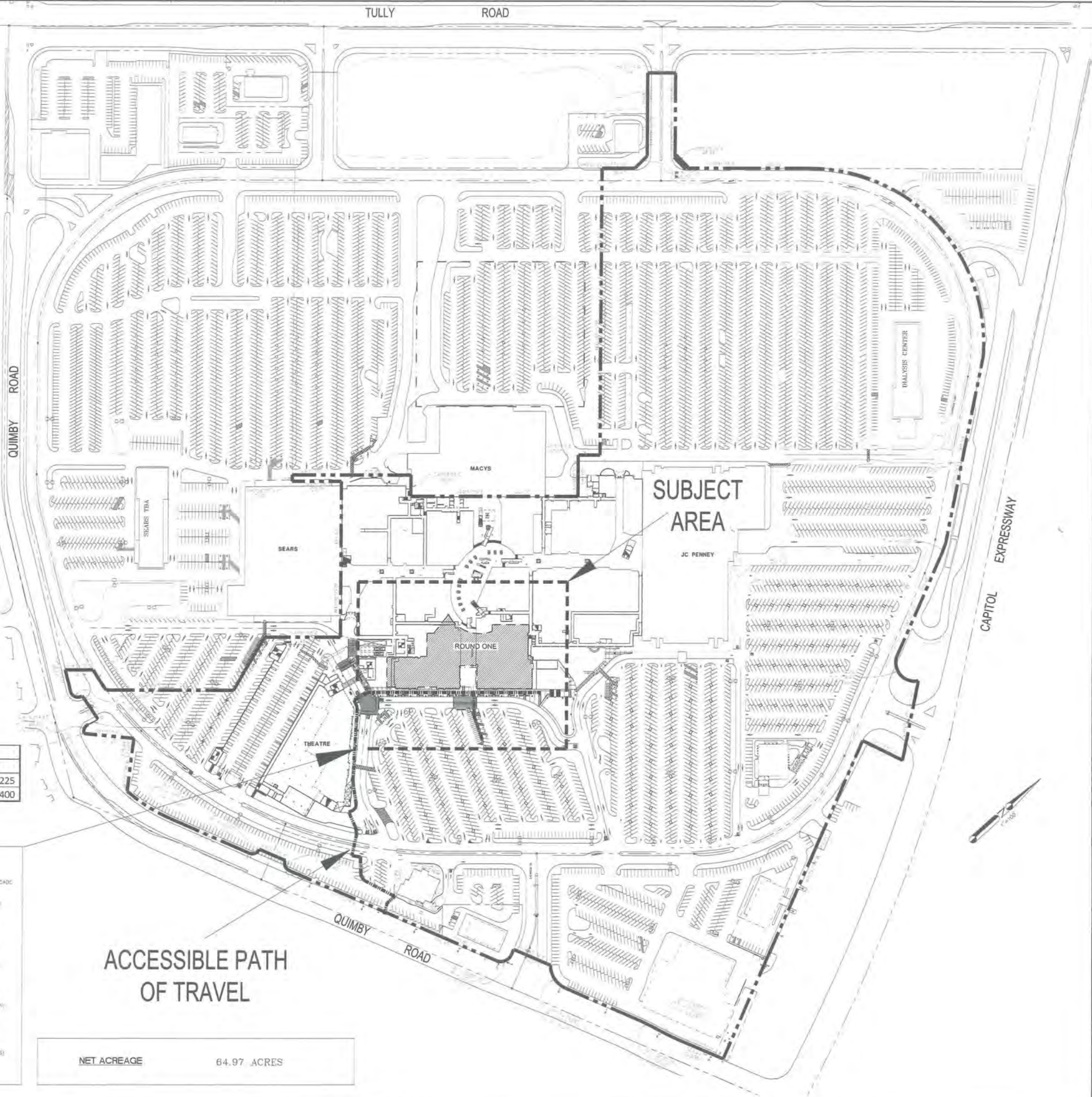
PROJECT DESCRIPTION:

ROUND ONE IS PROPOSING A FIRST CLASS BOWLING AND ENTERTAINMENT FACILITY WHICH MAY INCLUDE ARCADE, DARTS, BILIARDS, KARAOKE, AND A RESTAURANT. THE ROUND ONE PROJECT WILL INVOLVE THE FOLLOWING TENANT IMPROVEMENTS:

- CONSOLIDATION AND DEMOLITION OF IN-LINE SPACE CURRENTLY OCCUPIED BY JED BATH & BEYOND, TUTTI FRUTTI AND REDS SALON ON THE UPPER LEVEL OF THE MALL, AS WELL AS MODIFICATIONS TO VACANT IN-LINE SPACE AND AN EXIT CORRIDOR ON THE LOWER LEVEL OF THE ENCLOSED MALL.
- EXTERIOR ENTRY OF THE SOUTH SIDE OF THE BUILDING IS SUBSTANTIALLY THE SAME LOCATION AS THE EXISTING EXTERIOR ENTRY FOR THE VACANT IN-LINE SPACE.
- NEW INTERIOR, VERTICAL TRANSPORTATION LOBBY TO CONNECT THE LOWER LEVEL ENTRY LOBBY TO THE UPPER LEVEL, LEASED PREMISES.
- UPPER LEVEL ENTRY TO INTERIOR ENCLOSED MALL COMMON AREA IS SUBSTANTIALLY THE SAME WITH LOCATION AS THE EXISTING INTERIOR MALL ENTRY OF EITHER TUTTI FRUTTI OR REDS SALON.
- MODIFICATIONS TO EXISTING EGRESS, INCLUDING RELOCATED STAIRCASE WITHIN ENCLOSED MALL COMMON AREA, AND
- UPGRADES TO BUILDING STRUCTURE (LARGELY WITHIN THE PREMISES LEASED TO 24 HOUR FITNESS) TO ACCOMMODATE THE BOWLING ALLEY AND RELATED EQUIPMENT. ROUND ONE WILL ALSO BE RESPONSIBLE FOR SOUND AND VIBRATION ISOLATION.

ACCESSIBLE PATH OF TRAVEL

NET ACREAGE 64.97 ACRES

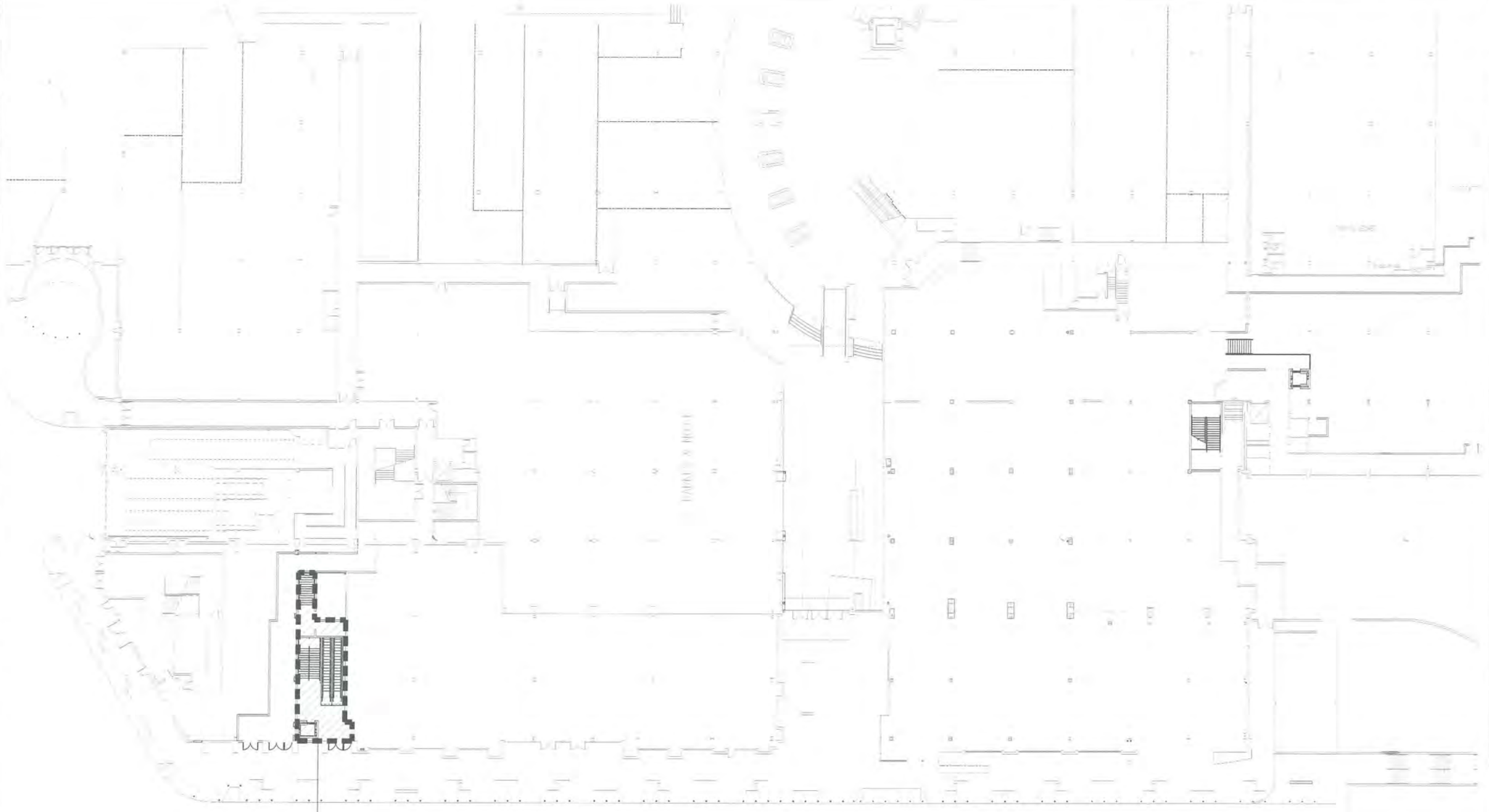


ERIC Engineering
ASSOCIATES, INC.
1005 The Alameda, Suite 210
San Jose, CA 95126-1147
Tel: (408) 241-5494
Fax: (408) 241-5493

OVERALL SITE PLAN
ROUND ONE

EASTRIDGE SHOPPING CENTER, L.L.C.
EASTRIDGE MALL
SAN JOSE, CALIFORNIA

Date: 10/31/13
Checked: K.S.N.
Designer: D.M.V.
Drawn By: A.H.D.
Scale: AS SHOWN
Job: EAST1304
Sheet: C-1
Of: 1 Sheet(s)



ROUND ONE
GROSS FLR. AREA = 1,086 SQ. FT.

1 LOWER LEVEL FLOOR PLAN - ROUND ONE
1/16" = 1'-0"



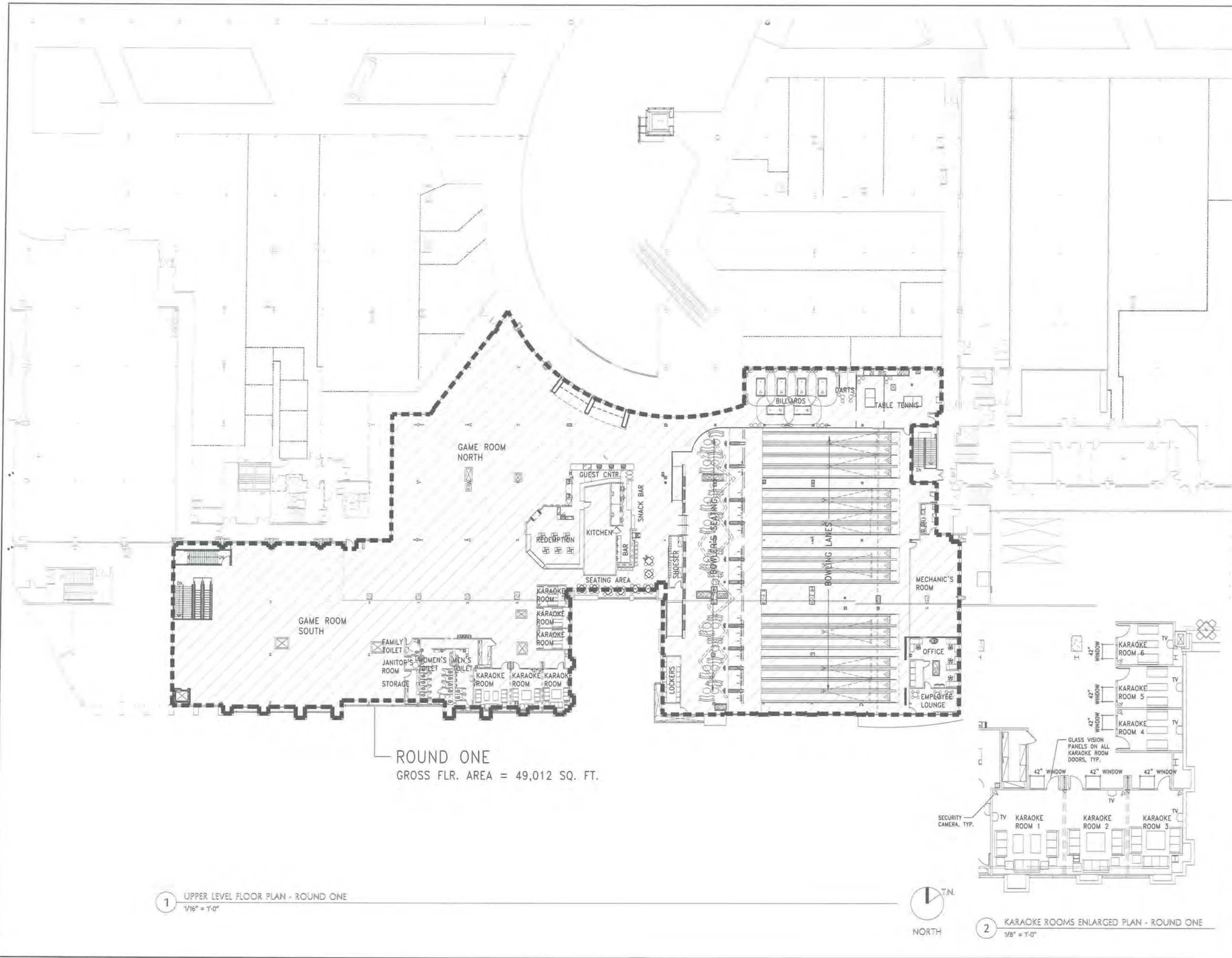
BRIC Engineering
ASSOCIATES, INC.
1885 The Alameda, Suite 210
San Jose, CA 95126
Tel: (408) 241-5494
Fax: (408) 241-5493

LOWER LEVEL
COMPOSITE PLAN
ROUND ONE

EASTRIDGE SHOPPING CENTER L.L.C.
EASTRIDGE MALL
SAN JOSE, CALIFORNIA

Date: 10/25/13
Checked:
Designed:
Drawn By: RSH
Scale: 1/16" = 1'-0"
Job: EAST1304
Sheet:

A101
of Sheet(s)





A. VIEW FROM BARNES & NOBLE



B. VIEW FROM BARNES & NOBLE



C. VIEW FROM SOUTH MAIN ENTRANCE



D. VIEW FROM BED BATH & BEYOND



E. VIEW FROM BED BATH & BEYOND



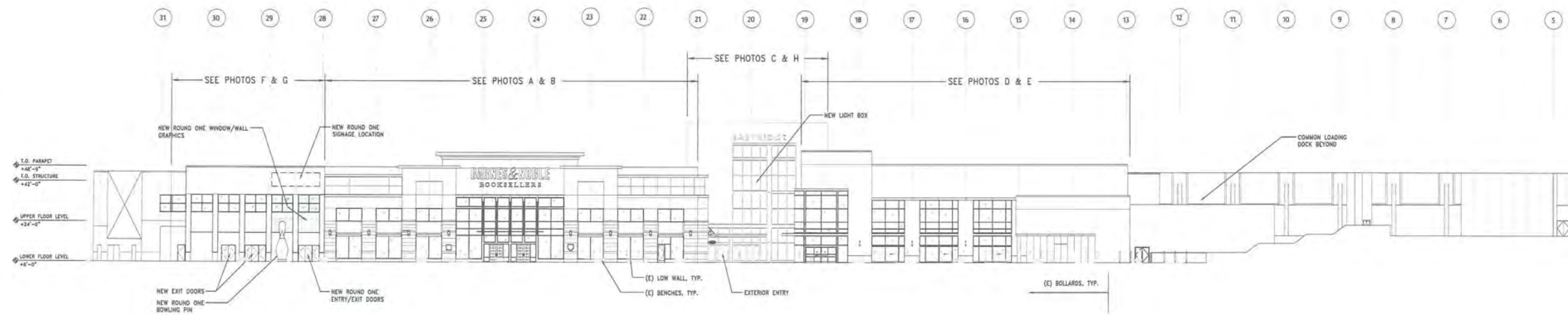
F. VIEW FROM WEST END OF SOUTH FACADE



G. VIEW FROM WEST END OF SOUTH FACADE



H. VIEW FROM SOUTH MAIN ENTRANCE



1 SOUTH EXTERIOR ELEVATION
1" = 20'-0"

BRIC Engineering
ASSOCIATES, INC.
1885 The Alameda, Suite 210
San Jose, CA 95126-1747
Tel. (408) 241-5494
Fax (408) 241-5493

EXTERIOR ELEVATION
AND PHOTOS
ROUND ONE

EASTRIDGE SHOPPING CENTER L.L.C.
EASTRIDGE MALL
SAN JOSE, CALIFORNIA

Date: 10/23/13
Checked:
Designed:
Drawn By: RSH
Scale: AS SHOWN
Job: EAST1304
Sheet: A301
of Sheet(s)